

## **FACTSHEET**

**TITLE:** **PRELIMINARY PLAT NO. 02013, THE RESERVE**, requested by Brian D. Carstens and Associates on behalf of John and Pam Rallis and Debra Placek, for 4 residential acreage lots and 2 outlots, with requests to waive street trees, street lighting, landscape screens, storm water detention, sidewalks, cul-de-sac length and block length, on property generally located at South 112<sup>th</sup> Street and Old Cheney Road.

**STAFF RECOMMENDATION:** Deferral until a policy has been established for those projects that were in process during the adoption of the 2025 Comprehensive Plan.

**ASSOCIATED REQUEST:** Special Permit No. 1972, The Reserve Community Unit Plan (03R-14)

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 06/12/02  
Administrative Action: 06/12/02

**RECOMMENDATION:** Conditional approval (8-0: Newman, Steward, Carlson, Duvall, Larson, Bills-Strand, Taylor and Schwinn voting 'yes'; Krieser absent).

### **FINDINGS OF FACT:**

1. This preliminary plat and the associated community unit plan (Special Permit No. 1972) were heard at the same time before the Planning Commission.
2. The staff recommendation to defer is based upon the "Analysis" as set forth on p.9-11, particularly Item #13 found on p. 11, concluding that this plat does not conform with the 2025 Comprehensive Plan. "Build-through" standards, to which urban acreages should be built, have not been developed at this time. This request did conform with the 1994 Plan and adopted regulations. This proposal was in process during the adoption of the 2025 Comprehensive Plan. This application should be deferred until a policy has been established for those projects that were in process during the adoption of the 2025 Comprehensive Plan.
3. The applicant's testimony is found on p.16-17, including agreement with the proposed conditions of approval.
4. There was no testimony in opposition.
5. The Planning Commission discussion is found on p.16-17.
6. On June 12, 2002, the Planning Commission disagreed with the staff recommendation to defer and voted 8-0 to recommend conditional approval. The conditions of approval are found on p.12-15. (See Minutes, p.17).
7. On June 13, 2002, a letter reflecting the action of the Planning Commission and the conditions of approval was mailed to the applicant (p.2-6).
8. **Please Note:** After the action of the Planning Commission, the applicant revised the proposal, deleting one lot (the church lot), thus the bonus and conservation easement are no longer needed or required. The staff report and conditions of approval have been revised pursuant to the amended application for four residential acreage lots and two outlots. The original proposal was for five lots and two outlots.
9. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been submitted by the applicant, approved by the reviewing departments and the revised site plan dated December 17, 2002, is attached (p.20-21).

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** December 30, 2002

**REVIEWED BY:** \_\_\_\_\_

**DATE:** December 30, 2002

**REFERENCE NUMBER:** FS\CC\2002\PP.02013

June 13, 2002

Brian D. Carstens and Associates  
601 Old Cheney Rd., Ste. C  
Lincoln NE 68512

Re: Preliminary Plat No. 02013  
The Reserve

Dear Mr. Carstens:

At its regular meeting on Wednesday, **June 12, 2002**, the Lincoln-Lancaster County Planning Commission granted approval to your preliminary subdivision, **The Reserve**, located in the general vicinity of **S. 112<sup>th</sup> St. and Old Cheney Rd.**, subject to the following conditions:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans to the Planning Department office, the preliminary plat will be scheduled on the City Council agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
  - 1.1 Make the corrections requested by the County Engineer in his letter of April 18, 2002.
    - 1) Dedication of 17' of right-of-way along 112<sup>th</sup> St. where needed to provide a total of 50 feet.
    - 2) Revise the preliminary plat to reflect right-of-way already deeded to Lancaster County along Old Cheney Rd. and S. 112<sup>th</sup> St.
    - 3) Direct vehicular access to be relinquished to S. 112<sup>th</sup> St. except at Vintage Court and one farm access. Any other use of an access designated Ag use only, will be forfeited and removed.
    - 4) Direct vehicular access to be relinquished to Old Cheney Rd. except for one church access. The proposed farm access shall be relocated to S. 112<sup>th</sup> St.. The church access shall be at the southwest corner of the lot that can be converted to a street when further development occurs on the remainder of the property.
    - 5) Vintage Court to be a private roadway with a public access easement.
    - 6) Vintage Court to be constructed and surfaced according to Lancaster County requirements.
    - 7) All lots to be permitted only one residential access.

8) General note 7 indicates each lot will have individual waste water systems, however a community lagoon is shown to serve all residential lots.

9) All surfacing radii at intersections shall be 40 feet.

10) The legal description should be of Lot 20 I.T., not the E ½ of the SE1/4.

11) Vintage Court shall be extended to the west to provide for future connection to further development of the property.

12) Vintage Court is considerably higher than the surrounding ground. Access to Lots 2 and 3 will be very difficult for future homeowners.

13) Vintage Court connects to S. 112<sup>th</sup> St, at the top of a hill. When S. 112<sup>th</sup> St. is improved this hill will be lowered. With small lots, regrading Vintage Court will be difficult. Vintage Court shall be relocated along S. 112<sup>th</sup> St. as part of this development.

- 1.2 Show the water line to the “church” lot (Lot 5) or provide ground water information.
- 1.3 Show the sewer line as 8" to match Lincoln standards.
- 1.4 Revise the map to show S. 112 Street, not SW 112th.
- 1.5 Revise Vintage Court to show it extending to outlot ‘B’ for future extensions.
- 1.6 Provide a drainage study or document why it is not needed.
- 1.7 Show the side yard easements between lots 1,2,3 and 4.
- 1.8 Revise the vicinity map to orient with the main drawing.
- 1.9 Revise the North arrow on pages one and two to reflect north as shown on the plan.
- 1.10 Revise the Planning Commission approval block to include the special permit.
- 1.11 Revise note #2 to reference 2 outlots.
- 1.12 Revise note #7 to reflect the community waste disposal vs private systems, except for Lot 5.
- 1.13 Expand the note on Outlot ‘B’ that a 99 year easement will be filed prior to approval of the final plat.
- 1.14 Revise note #15 to remove “county” and add “block length”.
- 1.15 Show the 100 year flood elevation of the lake.

- 1.16 Add a note that Best Management Practices (BMP) will be applied for sediment and erosion control.
- 1.17 Show the flood corridor easement for the stream running along the northwest portion of the plat, as required by 26.23.120 and the adopted design standards.
2. The City Council approves associated requests:
  - 2.1 Special Permit # 1972 for the Community Unit Plan.
  - 2.2 A waiver to the storm water detention, sidewalk, street paving, street lights, landscape screen, and street tree requirements since the area is of larger lots, a rural nature and the subdivision will not be annexed.
  - 2.3 A modification to the requirements of the land subdivision ordinance to permit a block length in excess of 1320' along the north, south and west perimeter of this subdivision.

General:

3. Final Plats will be scheduled on the Planning Commission agenda after:
  - 3.1 Streets, water facilities, drainage facilities, temporary turnarounds and barricades, and street name signs have been completed.
  - 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
    - 3.2.1 To submit to the County Engineer an erosion control plan.
    - 3.2.2 To protect the remaining trees on the site during construction and development.
    - 3.2.3 To submit to lot buyers and home builders a copy of the soil analysis.
    - 3.2.4 To complete the private improvements shown on the preliminary plat.
    - 3.2.5 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
    - 3.2.6 To relinquish the right of direct vehicular access to S. 112th Street except for Vintage Court and one farm access and to Old Cheney Road except for one church access.

- 3.2.7 To maintain County roads until the County Board specifically accepts the maintenance.
- 3.2.8 To comply with the provisions of the Land Subdivision Ordinance/Resolution regarding land preparation.

The findings of the Planning Commission will be submitted to the City Council for their review and action. You will be notified by letter if the Council does not concur with the conditions listed above.

You may appeal the findings of the Planning Commission to the City Council by filing a notice of appeal with the City Clerk. The appeal is to be filed within 14 days following the action by the Planning Commission. You have authority to proceed with the plans and specifications for the installation of the required improvements after the City Council has approved the preliminary plat. If you choose to construct any or all of the required improvements prior to the City's approval and acceptance of the final plat, please contact the Director of Public Works before proceeding with the preparation of the engineering plans and specifications. If the required minimum improvements are not installed prior to the City Council approving and accepting any final plat, a bond or an approved Agreement of Escrow of Security Fund is required.

The approved preliminary plat is effective for only ten (10) years from the date of the City Council's approval. If a final plat is submitted five (5) years or more after the effective date of the preliminary plat, the City may require that a new preliminary plat be submitted. A new preliminary plat may be required if the subdivision ordinance or the design standards have been amended.

You should submit an ownership certificate indicating the record owner of the property included within the boundaries of the final plat when submitting a final plat.

The Subdivision Ordinance requires that there be no liens of taxes against the land being final platted and that all special assessment installment payments be current. When you submit a final plat you will be given forms to be signed by the County Treasurer verifying that there are no liens of taxes and by the City Treasurer verifying that the special assessment installment payments are current.

Sincerely,

J. Greg Schwinn, Chair  
City-County Planning Commission

cc: Owner  
Public Works - Dennis Bartels  
LES  
Alltel Communications Co.  
Cablevision  
Fire Department  
Police Department  
Health Department

Parks and Recreation  
Urban Development  
Lincoln Public Schools  
County Engineers  
City Clerk  
File (2)

## **LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

**P.A.S.#:** Special Permit #1972, The Reserve Community Unit Plan  
and **Preliminary Plat #02013, The Reserve**

**Date:** May 30, 2002

NOTE: This is a combined staff report for related items. This report contains a single background and analysis section for all items. There are separate conditions for each individual application.

**PROPOSAL:** A Community Unit Plan and Preliminary Plat to create 5 4 lots and 2 outlots. (**\*\*As revised by the applicant after Planning Commission recommendation of conditional approval\*\***)

**WAIVER REQUEST:** Waivers of subdivision requirements of:

26.27.090 street trees,  
26.27.070 street lighting,  
26.27.080 landscape screens,  
26.23.105 storm water detention,  
26.27.020 sidewalks,  
26.23.080 cul-de-sac length,  
26.23.130 block length.

**LAND AREA:** 150.69 acres, more or less.

**CONCLUSION:** This plat does not conform with the 2025 Comprehensive Plan. "Build through" standards, which urban acreages should be built to, have not been developed at this time. This request did conform with the 1994 Plan and adopted Regulations. This was in process during the adoption of the 2025 Comprehensive Plan. This application should be deferred until a policy has been established for those projects that were in process during the adoption of the 2025 Comprehensive Plan.

**RECOMMENDATION:**

Deferral of the Special Permit  
Deferral of the Preliminary Plat

### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** The East Half of the Southeast Quarter (aka Lot 60 I.T.) of Section 12, T9N, R7E, in the 6th P.M., Lancaster County, Nebraska.

**LOCATION:** S. 112<sup>th</sup> Street and Old Cheney Road.

**APPLICANT:** John & Pam Rallis  
6230 Black Forest Drive  
Lincoln, NE 68516  
(402) 423-0798

Debra Placek  
6501 S. 66<sup>th</sup> Street  
Lincoln, NE 68516  
(402) 421-8581

**OWNERS:** John D. Rallis and Pamela S. Rallis, Husband and Wife  
and  
Debra C. Placek

**CONTACT:** Brian D. Carstens and Associates  
601 Old Cheney Road, Suite C  
Lincoln, NE 68512  
(402) 434-2424

**EXISTING ZONING:** AG Agricultural.

**EXISTING LAND USE:** Agriculture.

**SURROUNDING LAND USE AND ZONING:**

North: Agriculture, zoned AG  
South: Agriculture and two dwellings, zoned AG  
East: Agriculture, zoned AG  
West Agriculture and one dwelling unit, zoned AG

**ASSOCIATED APPLICATIONS:** City Special Permit # 1972 and Preliminary Plat #02013 are related.

**HISTORY:** Changed from AA Rural and Public Use to AG Agricultural in the 1979 zoning update.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The 2025 Comprehensive Plan shows this area as Agriculture, Tier II. A cluster is permitted by special permit in the AG district. In relation to clustering in the Agriculture area, the Comprehensive Plan states:

“New ‘urban acreage’ development should only be permitted in Tier II and Tier III area of Lincoln and near towns under higher design standards based upon a “buildthrough” model and without use of sanitary improvement districts. The “build through” design standards should address, along with other items deemed necessary to the study:

- a preliminary plan lot layout that accommodates first phase low density acreages with rural water and sewer systems. The preliminary plat would also show future lot splits as a second phase to permit the urban infrastructure to be built through and urbanization to occur if and when annexed by a city or town is deemed appropriate. The future lot splits will increase density in an urban form and provide income to property owners to defray the increases in city taxes, services and infrastructure costs;
- a lot layout that meets the various elements of the Comprehensive Plan; and
- a development agreement that runs with the land and acknowledges that the acreage development (i) is not entitled to extra buffering protection greater than the acreage property lines from existing agricultural practices and from future urbanization and (ii) waives any future right to protest the creation of lawful centralized sanitary sewer, water and paving special assessment districts or other lawful financing methods at a later date when urbanization is appropriate.



When the independent study to quantify and qualify the positive and negative economics of acreage development is completed, the county should determine if an impact fee or other development exactions are needed to be sure acreage development is paying its “fair share” of costs. The study should include a review of policy issues and options such as the build-through concept, lot size, acreage standards, acreages and town relationships, acreages and sensitive areas, agriculture, acreage clusters, desired acreage population, acreage size and land use consumption and AGR zoning. (page F79)

**UTILITIES:** There is no public sewer available. This is in the Lancaster County Rural Water District #1. Rural Water service is proposed.

**TOPOGRAPHY:** Rolling land, draining to the northeast.

**TRAFFIC ANALYSIS:** S 112<sup>th</sup> is a gravel county road. Old Cheney Road is paved to the west of S. 112<sup>th</sup> and is a gravel county road to the east. Old Cheney is shown for future grading and paving in the County Engineer’s one and six road program.

**PUBLIC SERVICE:** This is in the Bennet Rural Fire District, Waverly School District # 145 and Norris Public Power District.

**REGIONAL ISSUES:** Expansion of the acreage areas. Clustering to preserve farm land.

**ENVIRONMENTAL CONCERNS:** None known. The soil rating is 4.25 on a scale of 1-10 where 1-4 is prime soil. This is not prime soil. There are drainage ways through the site. There is no FEMA floodplain shown. There is an existing dam on the parcel.

**AESTHETIC CONSIDERATIONS:** n/a

**ALTERNATIVE USES:** Continued farming or up to 4 dwellings on 20 acre parcels.

**ANALYSIS:**

1. This request is for a Special Permit for a Community Unit Plan and a Preliminary Plat for 4 small acreage residential lots, ~~one church lot~~ and 2 outlots. A gravel private street is proposed on one outlot. The second outlot is proposed to remain in farming. **(\*\*As revised by the applicant after Planning Commission recommendation of conditional approval\*\*)**
2. Rural Water and a community sewage disposal are proposed. The lots are one acre in size and require a community system. ~~An individual sewage system appears to be proposed for the church site.~~  
**(\*\*After recommendation by Planning Commission of conditional approval, the church lot was removed by the applicant\*\*)**
3. This request is in not in conformance with the 2025 Comprehensive Plan.
4. The applicant is requesting waivers to, street lighting, street trees, landscape screens, and sidewalks. These waivers are consistent with the rural nature of the subdivision and the provisions of the City/County regulations. The area is not to be annexed by the city at this

time. The existing farm land, dam and proposed acreages provide storm water detention equivalent to the Lincoln standards.

5. The applicant is requesting a waiver of the block length along the north, west and south of the plat. The waivers are reasonable considering the nature and use of the land for farming, existing dam and topography.

6. ~~The density calculations for the project are as follows;~~

$$\begin{array}{rcl} \text{80.285 acres} \times 0.055 \text{ dwellings/acre} & = & 4.4157 \text{ dwellings} \\ \text{X 1.20 for the bonus} & = & 5.299 \text{ dwellings permitted} \\ \text{Requested} & & \underline{54} \text{ units} \end{array}$$

**(\*\*After the recommendation of conditional approval by Planning Commission, the applicant removed the church lot and is now requesting 4 residential acreage lots\*\*)**

7. There does not appear to be any conflicting farm uses, such as feedlots, in the immediate area.

8. The County Engineers letter of April 18 2, 2002 notes the following;

1) Dedication of 17' of right-of-way along 112<sup>th</sup> St. where needed to provide a total of 50 feet.

2) Revise the preliminary plat to reflect right-of-way already deeded to Lancaster County along Old Cheney Rd. and S. 112<sup>th</sup> St.

3) Direct vehicular access to be relinquished to S. 112<sup>th</sup> St. except at Vintage Court and one farm access. Any other use of an access designated Ag use only, will be forfeited and removed.

4) Direct vehicular access to be relinquished to Old Cheney Rd. ~~except for one church access.~~ The proposed farm access shall be relocated to S. 112<sup>th</sup> St.. The church access shall be at the southwest corner of the lot that can be converted to a street when further development occurs on the remainder of the property. **(\*\*After the recommendation of conditional approval by Planning Commission, the applicant removed the church lot\*\*)**

5) Vintage Court to be a private roadway with a public access easement.

6) Vintage Court to be constructed and surfaced according to Lancaster County requirements.

7) All lots to be permitted only one residential access.

8) General note 7 indicates each lot will have individual waste water systems, however a community lagoon is shown to serve all residential lots.

9) All surfacing radii at intersections shall be 40 feet.

10) The legal description should be of Lot 20 I.T., not the E ½ of the SE1/4.

11) Vintage Court shall be extended to the west to provide for future connection to further development of the property.

12) Vintage Court is considerably higher than the surrounding ground. Access to Lots 2 and 3 will be very difficult for future homeowners.

13) Vintage Court connects to S. 112<sup>th</sup> St, at the top of a hill. When S. 112<sup>th</sup> St. is improved this hill will be lowered. With small lots, regrading Vintage Court will be difficult. Vintage Court shall be relocated along S. 112<sup>th</sup> St. as part of this development.

9. Parks notes that street trees can be waived pursuant to section 26.27.090. The 2025 Comprehensive Plan depicts a trail easement along the drainage way. Parks requests a 20' easement along the drainageway.

10. The Health Department notes;

Sewage is projected to be a community system except for the church lot. Appropriate permits are required.

Water is proposed to be from Lancaster Rural Water. A written statement from the District is required. If individual well are to be used, quality is unknown and a water study should be conducted.

11. The Watershed Management review notes; The general notes need to include a comment requiring sediment and erosion control for any grading for streets and houses. A 6:1 plus 60' easement is required for the creek running through the northwest part of the plat. This creek is shown as an intermittent stream that drains over 150 acres.

12. ~~The applicant is requesting a 20% bonus for farmland protection. Outlot 'B' (66.2 acres) is being preserved for farmland. A 99 year farmland conservation easement is required on the Outlot for the bonus.~~

**(\*\*After the Planning Commission recommendation of conditional approval, the applicant removed the church lot. Therefore, the bonus and conservation easement are no longer needed\*\*)**

13. The 2025 Comprehensive Plan states that new urban acreages in Tier II and Tier III should be built to a "build through" standard. Such a standard has not been developed to date. This project was in conformance with the 1994 Comprehensive plan in regard to clustering acreage development in the Agriculture designated areas outside the future service area. There needs to be established a policy in regard to those projects that were in process during the development/adoption of the 2025 Comprehensive Plan. This project should be deferred until such a policy has been established.

If the Planning Commission wishes to recommend conditional approval of these applications, the following conditions are suggested:

**CONDITIONS FOR PRELIMINARY PLAT #02013:**

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans to the Planning Department office, the preliminary plat will be scheduled on the City Council agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
  - 1.1 Make the corrections requested by the County Engineer in his letter of April 18, 2002.
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**(\*\*The applicant removed the church lot after the Planning Commission recommendation of conditional approval\*\*)**

1.3 Show the sewer line as 8" to match Lincoln standards.

1.4 Revise the map to show S. 112 Street, not SW 112th.

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1.7 Show the side yard easements between lots 1,2,3 and 4.

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1.9 Revise the North arrow on pages one and two to reflect north as shown on the plan.

1.10 Revise the Planning Commission approval block to include the special permit.

1.11 Revise note #2 to reference 2 outlots.

1.12 Revise note #7 to reflect the community waste disposal vs private systems, except for Lot 5.

~~1.13 Expand the note on Outlot 'B' that a 99-year easement will be filed prior to approval of the final plat.~~

**(\*\*The church lot was removed by the applicant after the Planning Commission recommendation of conditional approval. Therefore, the conservation easement is no longer required.\*\*)**

1.14 Revise note #15 to remove "county" and add "block length".

1.15 Show the 100 year flood elevation of the lake.

1.16 Add a note that Best Management Practices (BMP) will be applied for sediment and erosion control.

1.17 Show the flood corridor easement for the stream running along the northwest portion of the plat, as required by 26.23.120 and the adopted design standards.

2. The City Council approves associated requests:
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3. Final Plats will be scheduled on the Planning Commission agenda after:
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  - 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
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    - 3.2.7 To maintain County roads until the County Board specifically accepts the maintenance.

3.2.8 To comply with the provisions of the Land Subdivision Ordinance/Resolution regarding land preparation.

Prepared by:

Michael V. DeKalb AICP  
Planner

**SPECIAL PERMIT NO. 1972,  
THE RESERVE COMMUNITY UNIT PLAN  
and  
PRELIMINARY PLAT NO. 02013,  
THE RESERVE**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

June 12, 2002

Members present: Newman, Steward, Carlson, Duvall, Larson, Bills-Strand, Taylor and Schwinn; Krieser absent.

Staff recommendation: Deferral

The Clerk advised that the Mayor's "Acreage Development Policy" letter dated June 11, 2002 (See Exhibit "A" attached hereto), also applies to this application.

Proponents

**1. Brian Carstens** presented this application on behalf of **John and Pam Rallis** for an AG community unit plan located at 112<sup>th</sup> and Old Cheney Road, consisting of 4 single family lots and a potential church lot. This development will have a community septic system and rural water will provide water service to the lots. The waivers requested are the standard waivers as each of these lots is larger than an acre and located outside the city limits.

With regard to the one question of the County Engineer, Carstens advised that they will pick up the block of lots and move them to the west for the future grading of 112<sup>th</sup> Street.

Steward inquired as to the applicant's response to the staff recommendation of deferral. Carstens believes that the Mayor's letter takes care of it. This application would be one that would not require a deferral. Mike DeKalb of Planning staff clarified that this application came in on April 15, 2002, and had been in process for six weeks at the time the new Comprehensive Plan was adopted. The staff report does indicate that this application is in conformance with the previous Comprehensive Plan. Relative to the new Comprehensive Plan, DeKalb advised that we do not have standards in place to analyze this proposal. The Mayor's letter indicates that he will support the Planning Commission decision on those applications which are in process if the Planning Commission chooses to review the proposal based upon the previous Comprehensive Plan. The Mayor is requesting that each such application already in process be reviewed on its own merits, however. DeKalb indicated that if the Commission wishes to approve this application with conditions, the staff would not be opposed.

Carstens agreed with the proposed conditions of approval as set forth in the staff report. Carlson inquired as to what degree the community lagoon is usable as a potential hookup to the city. Carstens noted that the conditions require the creation of an 8" sewer line for the four lots, which then



could eventually be hooked up to city sewer. The outlot is reserved for farm land. Carstens also indicated that the developer is still debating the church lot and may back out of the extra bonus with the church lot and just do the 4 lots.

Carstens also advised that the remainder of the land will be maintained as farm ground.

There was no testimony in opposition.

Public hearing was closed.

**SPECIAL PERMIT NO. 1972,**  
**THE RESERVE COMMUNITY UNIT PLAN**  
**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

June 12, 2002

Duvall moved approval, with conditions, seconded by Bills-Strand.

Steward stated that he is reluctantly going to support this, only because of the merits of the number of lots and the conditions that they have agreed to for potential sewage hookup. However, even though we have the issue of fairness for some of these applications that are already in process, each of these acreage cases needs to be considered as to the future difficulty with the close proximity to the city. This is in close proximity and Steward is not altogether convinced that it wouldn't be done in another way if we had the "build-through" criteria in place.

Carlson inquired whether the application will come back to the Planning Commission if they determine not to do the church lot. Rick Peo of the City Law Department indicated that the applicant could reduce the boundaries of the special permit and eliminate uses without having to come back because it does not increase what is before the Planning Commission today. Carlson noted then, without the bonus, they would not have to reserve the balance of the land for 99 years as AG. Peo concurred.

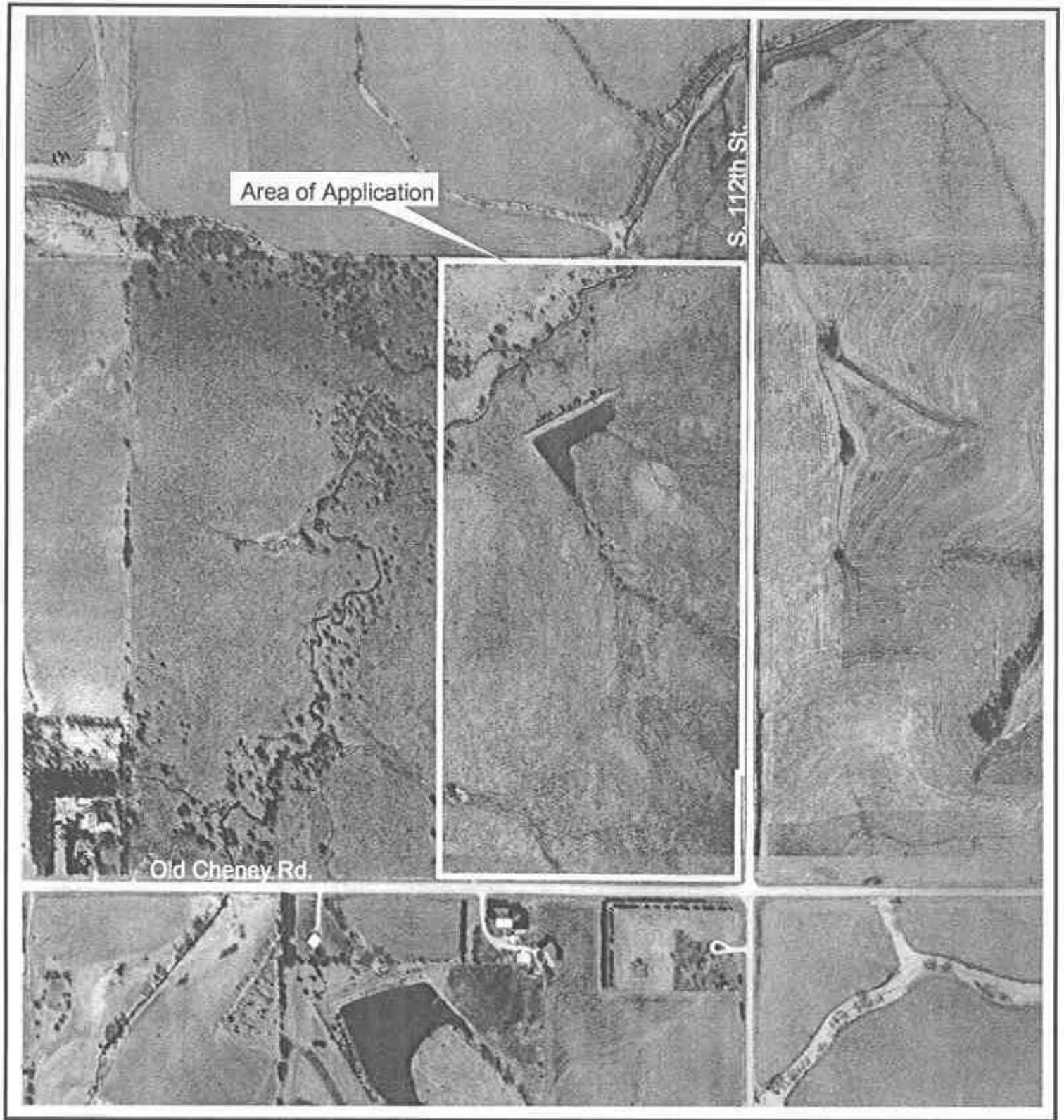
Schwinn agreed with Steward. He will support this application, although reluctantly, because he believes this will be urbanized in the future and it should go along with our build-through; however, the sewer will be available. He is concerned about connectivity of neighborhoods in the future and he does not like just a cul-de-sac coming off of 112<sup>th</sup> Street. He would have preferred to see it done a little differently.

Motion for conditional approval carried 8-0: Newman, Steward, Carlson, Duvall, Larson, Bills-Strand, Taylor and Schwinn voting 'yes'; Krieser absent.

**PRELIMINARY PLAT NO. 02013**  
**THE RESERVE**  
**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

June 12, 2002

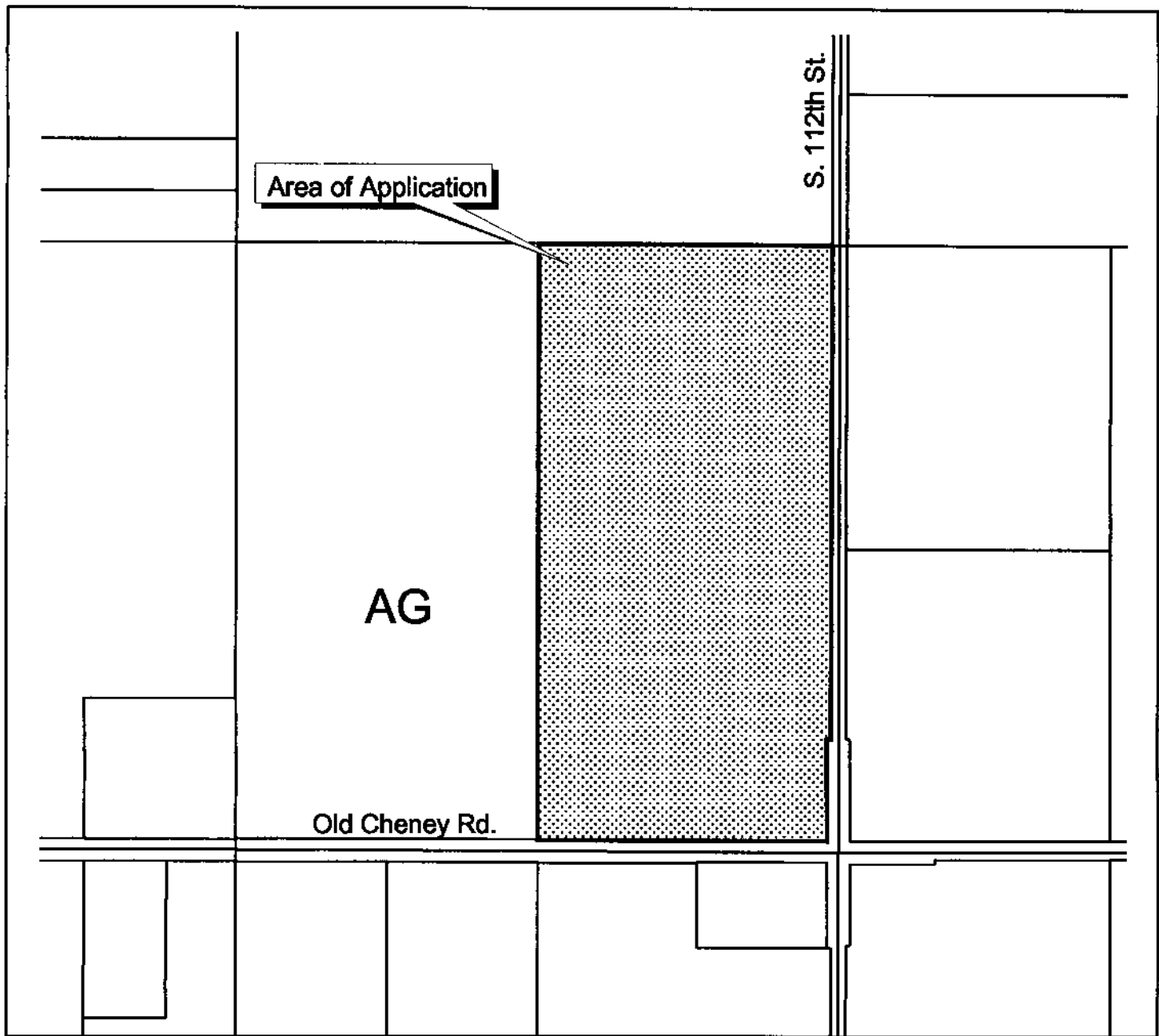
Duvall moved approval, with conditions as set forth in the staff report, seconded by Bills-Strand and carried 8-0: Newman, Steward, Carlson, Duvall, Larson, Bills-Strand, Taylor and Schwinn voting 'yes'; Krieser absent.



**Preliminary Plat #02013  
Special Permit #1972  
The Reserve  
S. 112th & Old Cheney Rd.**



018

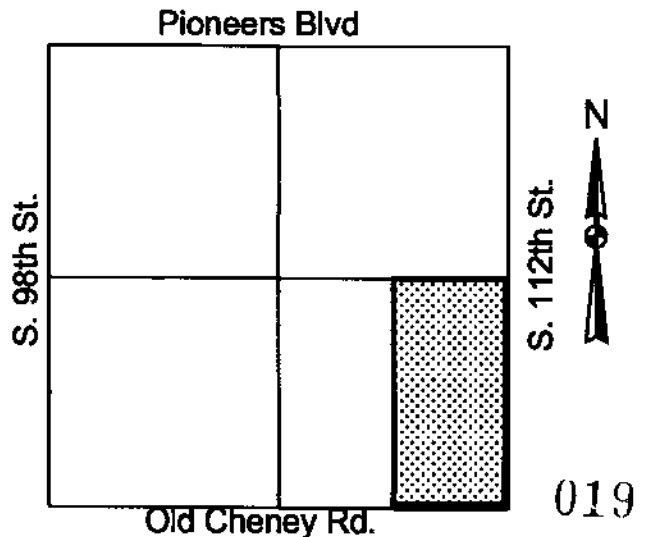
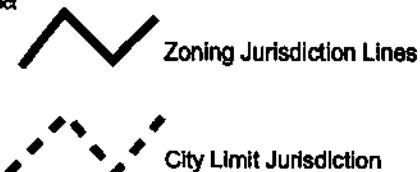


**Preliminary Plat #02013**  
**Special Permit #1972**  
**The Reserve**  
**S. 112th & Old Cheney Rd.**

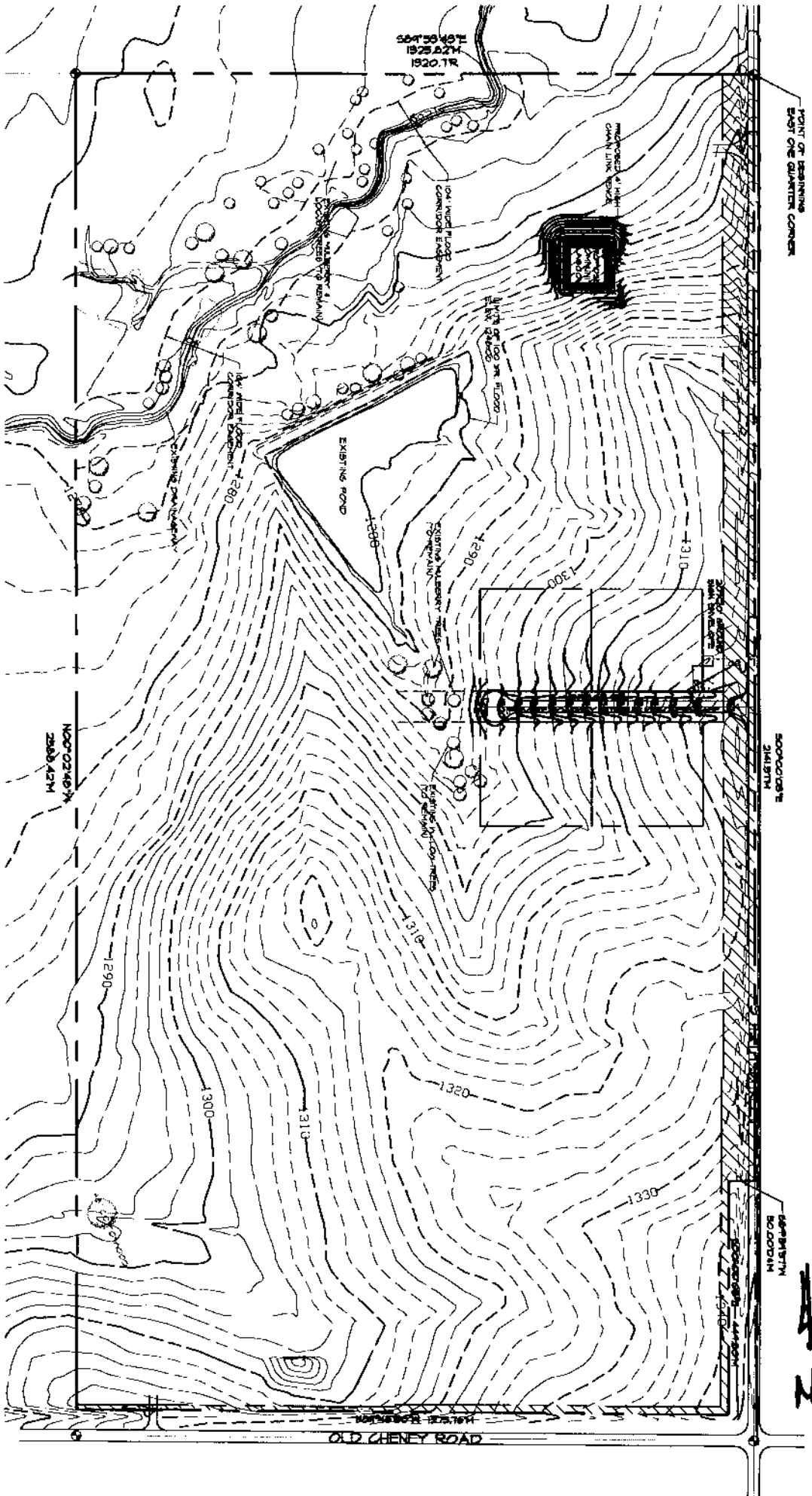
**Zoning:**

- |            |  |
|------------|--|
| R-1 to R-8 | Residential District                   |
| AG         | Agricultural District                  |
| AGR        | Agricultural Residential District      |
| R-C        | Residential Conservation District      |
| O-1        | Office District                        |
| O-2        | Suburban Office District               |
| O-3        | Office Park District                   |
| R-T        | Residential Transition District        |
| B-1        | Local Business District                |
| B-2        | Planned Neighborhood Business District |
| B-3        | Commercial District                    |
| B-4        | Lincoln Center Business District       |
| B-5        | Planned Regional Business District     |
| H-1        | Interstate Commercial District         |
| H-2        | Highway Business District              |
| H-3        | Highway Commercial District            |
| H-4        | General Commercial District            |
| I-1        | Industrial District                    |
| I-2        | Industrial Park District               |
| I-3        | Employment Center District             |
| P          | Public Use District                    |

One Square Mile  
 Sec. 12 T9N R7E



019

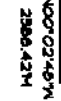


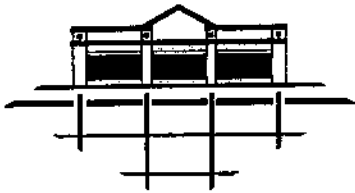
**Preliminary Plat #02013  
Special Permit #1972  
The Reserve  
S. 112th & Old Cheney Rd.**

*Rev 12-17-02*

021.

44





**BRIAN D. CARSTENS AND ASSOCIATES**  
**LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN**  
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

November 25, 2002

Mr. Marvin S. Krout  
Director of Planning  
Lincoln City- Lancaster County Planning Department  
555 South 10th Street  
Lincoln, NE 68508

RE: THE RESERVE - PRELIMINARY PLAT NO. 02013  
COMMUNITY UNIT PLAN  
SOUTH 112TH & OLD CHENEY ROAD

Dear Mr. Krout,

On behalf of John & Pam Rallis and Debra Placek, we are re-resubmitting the above mentioned applications for your review. The following are our responses to your letter dated November 20, 2002.

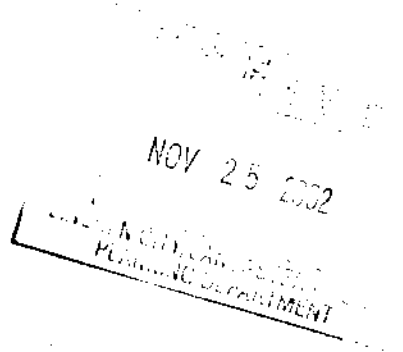
- Item 1. The vertical curve has been relocated to start station 1+46.50 with a vertical curve of 115 feet.
- Item 2 The street name has been revised to South 112th Street from Holdrege Street.
- Item 3 The Southwest 112th Street to South 112th Street.
- Item 4 The right-of-way line has been revised to station 0+60.00.
- Item 5 The calculations and documentation has been added to the grading plan for the 104' wide flood corridor easement.

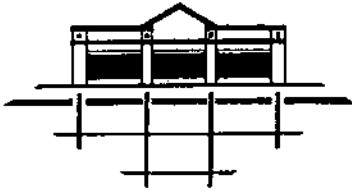
Please contact me if you have any further questions.

Sincerely,

Brian D. Carstens

cc: John & Pam Rallis  
Debra Placek





**BRIAN D. CARSTENS AND ASSOCIATES**  
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN  
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

November 14, 2002

Mr. Marvin S. Krout  
Director of Planning  
Lincoln City- Lancaster County Planning Department  
555 South 10th Street  
Lincoln, NE 68508

RE: THE RESERVE - PRELIMINARY PLAT NO. 02013  
COMMUNITY UNIT PLAN  
SOUTH 112TH & OLD CHENEY ROAD

Dear Mr. Krout,

On behalf of John & Pam Rallis and Debra Placek, we are re-resubmitting the above mentioned applications for your review. The following are our responses to your letter dated October 23, 2002.

- Item 1. The vertical curve has been relocated to station 1+50.00.
- Item 2 We have shown a 104 feet wide "Flood Corridor Easement" on the site and grading plan.
- Item 3 A 22-foot Type III barricade has been shown at the end of Vintage Drive on the site plan.
- Item 4 The grading has been shown extending around the temporary turnaround.
- Item 5 Additional right-of-way has been dedicated along Old Cheney Road and S. 112th Street as requested.

Please contact me if you have any further questions.

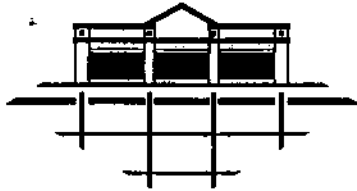
Sincerely,

*Brian D. Carstens*  
BDC

Brian D. Carstens

cc: John & Pam Rallis  
Debra Placek

Enclosures: 5 Sets of Sheets 1 thru 3

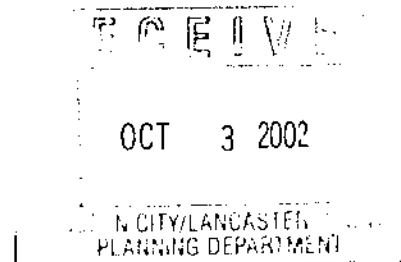


**BRIAN D. CARSTENS AND ASSOCIATES**  
**LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN**  
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

October 1, 2002

Mr. Marvin S. Krout  
Director of Planning  
Lincoln City- Lancaster County Planning Department  
555 South 10th Street  
Lincoln, NE 68508

RE: THE RESERVE - PRELIMINARY PLAT NO. 02013  
COMMUNITY UNIT PLAN  
SOUTH 112TH & OLD CHENEY ROAD



Dear Mr. Morgan,

On behalf of John & Pam Rallis and Debra Placek, we are resubmitting the above mentioned applications for your review. The following are our responses to your letter dated June 13, 2002.

- Item 1.1.1 Addition right-of-way dedication has been shown along S. 112th Street.
- Item 1.1.2 The boundary has been revised to correct Right-of-Way widths.
- Item 1.1.3 Note 12 has been added to the Site Plan relinquishing direct vehicular access to the S. 112th Street except at Vintage Drive and one farm access.
- Item 1.1.4 Note 13 has been added to the Site Plan relinquishing direct vehicular access to Old Cheney Road except for one existing farm access.
- Item 1.1.5 Vintage Drive has been shown as a Private Roadway with a public access easement.
- Item 1.1.6 Note 8 has been added to state that the Private Roadway shall be constructed to meet Lancaster County requirements.
- Item 1.1.7 Note 15 has been added to the Site Plan to state that only one access shall be permitted per each lot.
- Item 1.1.8 General Note 7 has been revised to state that a community lagoon to serve all residential lots.
- Item 1.1.9 All surfacing radii have been shown at 40 feet.
- Item 1.1.10 The legal description has been revised to indicate Lot 20 I.T.
- Item 1.1.12 We have shown the future extension of Vintage Drive to the west.



Page 2

- Item 1.1.13 Vintage Drive has been relocated 50 feet back from South 112th Street to allow for transition of the grades.
- Item 1.2 The church lot has been removed.
- Item 1.3 The sanitary sewer line has been revised to show a 8 inch line.
- Item 1.4 The vicinity map has been revised to show S. 112th Street not S.W. 112th Street.
- Item 1.5 Vintage Drive has been revised to show it extending to Outlot 'B' to allow for future development.
- Item 1.6 We are not providing a drainage study because there has been no changes in the drainage patterns and we are proposing no culverts with the development.
- Item 1.7 The 15 foot side yard setbacks have been shown on Lots 1, 2, 3 & 4.
- Item 1.8 The vicinity map has been revised to orientate the same as the plans.
- Item 1.9 The North arrow on pages one and two have been rotated to match the plans.
- Item 1.10 The planning commission block has been revised to include the Special Permit.
- Item 1.11 Note 2 has been revised to reference 2 outlots.
- Item 1.12 Note 7 has been revised to state that the all residential lots shall be served by a community waste disposal system.
- Item 1.13 We have not added the note that a 99 year easement will be filed on the outlot. We have removed the Church lot to allow us to keep the four single family lots and not have to dedicate a 99 year easement.
- Item 1.14 Note 16 has been revised to remove county and added block length.
- Item 1.15 The 100 year elevation of <sup>1248</sup>~~1284.00~~ has been added to the site plan and grading plan.
- Item 1.16 Note 20 has been added to the site plan to state that the Best Management Practices will be applied for sediment and erosion control.
- Item 1.17 We have not shown the flood corridor easement for the stream running along the northwest portion of the plat. Section 26.23.120 states that flood corridor easements shall be platted when the area *adjacent* thereto is being subdivided. We are not platting lots adjacent to the existing stream and we do not feel we need to go through that exercise at this time. Our lots are roughly 40 feet above the existing stream. We have added the following statement to our grading plan: "Flood Corridor Easements shall be dedicated at such time that Outlot 'B' is developed and or subdivided".

Page 3

We have added the requested waivers to a "Requested Waiver" section. Please contact me if you have any further questions.

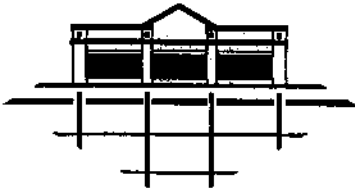
Sincerely,

Brian D. Carstens

cc: John & Pam Rallis  
Debra Placek

A handwritten signature in black ink, appearing to read "Brian", with a stylized flourish at the end.

Enclosures: 6 Sets of Sheets 1 thru 3  
Reduced copies of sheets 1 and 2



**BRIAN D. CARSTENS AND ASSOCIATES**  
**LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN**  
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

April 15, 2002

Mr. Kent Morgan, AICP  
Interim Director of Planning  
Lincoln City- Lancaster County Planning Department  
555 South 10th Street  
Lincoln, NE 68508

RE: THE RESERVE - PRELIMINARY PLAT & COMMUNITY UNIT PLAN  
SOUTH 112TH & OLD CHENEY ROAD

Dear Mr. Morgan,

On behalf of John & Pam Rallis and Debra Placek, we are submitting the above mentioned applications for your review. We would like to request 'Fast Track' due to the fact that the project is very simple and straight forward. The Reserve is a proposed C.U.P. on approximately 80.285 acres and is currently zoned 'AG'. We are showing 4 single family acreage lots, containing a minimum of 1 acre and one five acre lot for a church. Each single family lot shall have public water from the Lancaster County Rural Water District and a community lagoon system. We are awaiting a letter from the Lancaster County Rural Water district giving us the approval for service, we have meet with them and they have indicated that water service should not be a problem. Once we have the letter we will forward a copy to your office. The private roadway will be graveled to meet Lancaster County design standards.

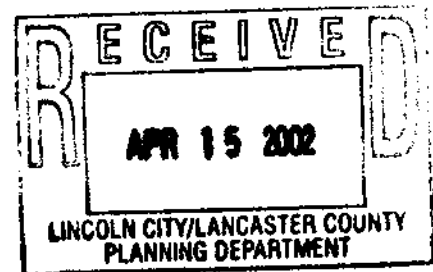
We have 'clustered' the 4 lots close to 112th Street so the that balance of the farm can continue to be farmed. We are requesting waivers to the Land Subdivision Ordinance to waive sidewalks, street trees, street lighting, and landscape screening as each lot is larger than 1 acre and this project will not be annexed into the City of Lincoln in the near future.

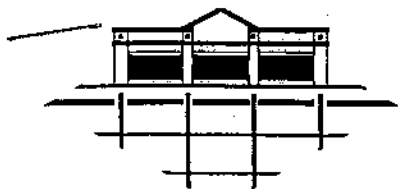
Please contact me if you have any further questions.

Sincerely,

Brian D. Carstens

cc: John & Pam Rallis  
Debra Placek





**BRIAN D. CARSTENS AND ASSOCIATES**  
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN  
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

COPY

May 28, 2002

Mr. Ken Halverson, Manager  
Lancaster Rural Water District No. 1  
310 Fir  
Bennet, NE 68317

Dear Ken,

Enclosed we are submitting an application for a rural water service located at approximately South 112th and Old Cheney Road along with a check in the amount of five thousand dollars. We have enclosed a site plan showing the location of the service to Lot 4; we will also need 3 additional units in the future. Please forward this information onto your engineer to determine if there will be an ample amount of water and water pressure.

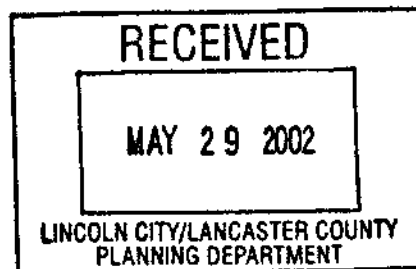
We have submitted the proposed development and are scheduled for Planning Commission on Wednesday June 12, 2002 to Lancaster County Planning Department. Once we have your approval we will need a letter addressed to Mike Dekalb of City of Lincoln-Lancaster Planning Department stating that rural water is available for the proposed development.

If you have any questions, please feel free to give me a call. Thank you for your assistance in this matter.

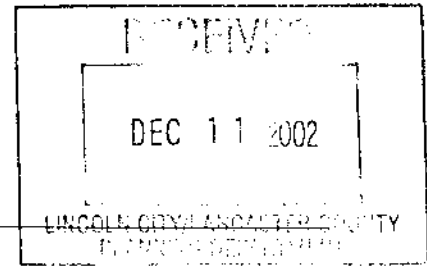
Sincerely,

Brian D. Carstens

cc: Mr. John Rallis



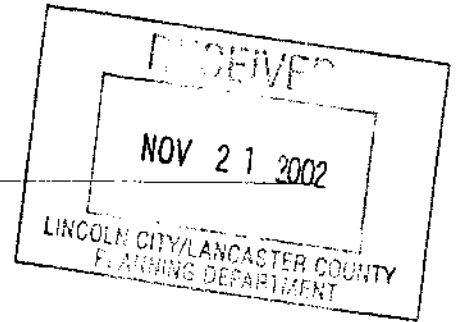
# M e m o r a n d u m



**To:** Mike DeKalb, Planning Department  
**From:** <sup>6</sup>Chad Blahak, Public Works and Utilities  
**Subject:** The Reserve Preliminary Plat  
**Date:** December 11, 2002  
**cc:** Randy Hoskins  
Dennis Bartels  
Nicole Fleck-Tooze  
Devin Biesecker

Engineering Services has reviewed the re-submitted preliminary plat and community unit plan for The Reserve located west of 112th Street, north of Old Cheney Road and recommends the approval of this plat. However, it should be acknowledged that prior to any future proposed development in Outlot B, a more detailed drainage study for the existing channel will be required before approval of said proposed development is considered.

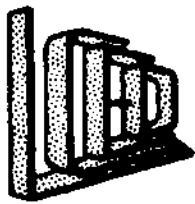
# M e m o r a n d u m



**To:** Mike DeKalb, Planning Department  
**From:** <sup>CB</sup> Chad Blahak, Public Works and Utilities  
**Subject:** The Reserve Preliminary Plat  
**Date:** November 20, 2002  
**cc:** Randy Hoskins  
Dennis Bartels  
Nicole Fleck-Tooze

Engineering Services has reviewed the resubmitted preliminary plat and community unit plan for The Reserve, located west of 112th Street, north of Old Cheney Road and has the following comments:

1. The Vintage Drive profile still does not meet City design standards. The vertical curve must begin at station 1+46.50 to allow for a minimum of a 33' wide roadway and 130' platform for a local street intersecting a major street.
2. Change the street name on South 112th Street profile from Holdrege Street to South 112th Street.
3. Change street name on Vintage Drive profile at station 0+00.00 from Southwest 112th Street to South 112th Street.
4. Show updated right-of-way line at station 0+60.00 on Vintage Drive profile.
5. Provide calculations and documentation for the 104' wide flood corridor easement.



Lancaster


County

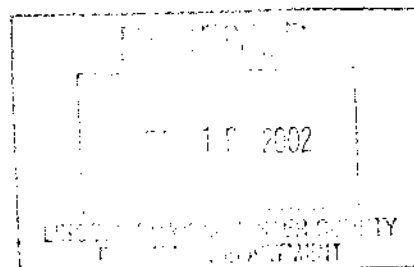
Engineering

Department

DON R. THOMAS - COUNTY ENGINEER

DEPUTY- LARRY V. WORRELL  
COUNTY SURVEYOR

**DATE:** April 18, 2002  
**TO:** Mike DeKalb  
Planning Department  
**FROM:** Larry V. Worrell   
County Surveyor  
**SUBJECT:** THE RESERVE C.U.P.



Upon review, this office would have the following comments:

- 1) Dedication of 17' right-of-way along S. 112<sup>th</sup> St. where needed to provide a total of 50 feet.
- 2) Revise the preliminary plat to reflect right-of-way already deeded to Lancaster County along Old Cheney Rd. and S. 112<sup>th</sup> St.
- 3) Direct vehicular access to be relinquished to S. 112<sup>th</sup> St. except at Vintage Court and one farm access. Any other use of an access designated Ag use only, will be forfeited and removed.
- 4) Direct vehicular access to be relinquished to Old Cheney Rd. except for one church access. The proposed farm access shall be relocated to S. 112<sup>th</sup> St. The church access shall be at the southwest corner of the lot that can be converted to a street when further development occurs on the remainder of the property.
- 5) Vintage Court to be a private roadway with a public access easement.
- 6) Vintage Court to be constructed and surfaced according to Lancaster County requirements.
- 7) All lots to be permitted only one residential access.
- 8) General Note 7 indicates each lot will have individual waste water systems, however a community lagoon is shown to serve all residential lots.
- 9) All surfacing radii at intersections shall be 40 feet.
- 10) The legal description should be of Lot 20 I.T., not the E½ SE¼.
- 11) Vintage Court shall be extended to the west to provide for future connection to further development of the property.
- 12) Vintage Court is considerably higher than the surrounding ground. Access to Lots 2 and 3 will be very difficult for future homeowners.
- 13) Vintage Court connects to S. 112<sup>th</sup> St. at the top of a hill. When S. 112<sup>th</sup> St. is improved this hill will be lowered. With small lots, regrading Vintage Court will be difficult. Vintage Court shall be relocated along S. 112<sup>th</sup> St. or the hill shall be lowered on S. 112<sup>th</sup> St. as part of this development.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION**

**TO:** Mike DeKalb

**DATE:** 4/25/2002

**DEPARTMENT:** Planning

**FROM:** Chris Schroeder  
Jerry Hood

**ATTENTION:**

**DEPARTMENT:** Health

**CARBONS TO:** Bruce Dart, Director  
EH File  
EH Administration

**SUBJECT:** The Reserve  
SP #1972, PP #02006

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed The Reserve subdivision with the following noted:

- Sewage disposal is projected to be a community sewage lagoon. This proposed lagoon will also have to have approval from the State of Nebraska Department of Environmental Quality prior to being built. Excluded from this community lagoon is Lot 5, the church lot. An individual sewage system permit must be obtained for the sewage system to serve the church.
- Water supply is projected to be the Lancaster Rural Water District. The LLCHD would need a written statement from the Rural Water District that they will be able to serve this development with an adequate amount of water.

It is noted that residents will also have the option of having their own well. The LLCHD believes there is probably an adequate amount of groundwater here, but the quality is unknown. There is the possibility of salty water or an intensely mineralized water. Therefore, a water study should be conducted. Prospective residents should be advised of the water quality results.

There is no indication that the church will be connected to the Rural Water District. A well serving the church would be considered a public water supply and well construction and location would have to comply with State standards. The applicant should provide to LLCHD confirmation that the Nebraska Health and Human Services Department has been notified and applications submitted.

- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.



- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.
- Provisions should be made for retaining as much tree mass as possible. Alternately, the applicant will need to plan for disposal of tree waste by burying on site, grinding, offering for firewood or hauling to the landfill. Permits for open burning of tree waste within the city limits will not be approved and applications for burning within the 3-mile zone are unlikely to be approved.



AREA 2  
SERVICE CENTER

R.R. 1 BOX 56  
ROCA, NEBRASKA 68430  
402/423-3855  
FAX 402/423-8090

April 19, 2002

Mike Dekalb, Project Planner  
555 S. 10<sup>th</sup> St. #213  
Lincoln, NE 68508

RE: the Reserve

Dear Mike,

I have reviewed the subject plat and see easements in place as we would have requested.  
Thanks for your cooperation.

Sincerely,

Rick Volmer, Construction Superintendent, Area 2



Benjamin J Higgins

04/17/02 12:09 PM

To: Dennis D Bartels/Notes@Notes

CC:

Subject: comments on The Reserve

Dennis

Attached are my comments on The Reserve.

Minor

- the North arrow points south on plan sheets 1 of 3 and 2 of 3
- S. 112th is labeled as SW 112th

Major

- The general notes need to include a comment requiring sediment and erosion control for any grading for streets or houses
- A 6:1 plus 60' easement is required for the creek running through the northwest part of the plat. This creek is shown as an intermittent stream and has a drainage area of well over 150 acres.

Ben Higgins

Watershed Management

City of Lincoln Public Works

441-7589

Post-it® Fax Note	7671	Date	# of pages ▶
To	Mike DeKalb	From	Buff
Co./Dept.	Planning	Co.	forwarded copy
Phone #		Phone #	of Comments
Fax #		Fax #	from Ben Higgins

# Memo



**To:** Mike Dekalb, Planning Department

**From:** Mark Canney, Parks & Recreation

**Date:** April 22, 2002

**Re:** The Reserve

---

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. Pursuant to section 26.27.090 of the Land Subdivision Code, the requirements for street trees may be waived for lots in excess of one acre and located outside of the corporate limits. It is recommended that the requirements for street trees for this plat be waived at this time.
2. The Comprehensive Plan depicts a trail easement along the drainage way. We request that a public access easement for the future trail development of 20' be provided. Use of this easement shall be restricted until trail is constructed.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

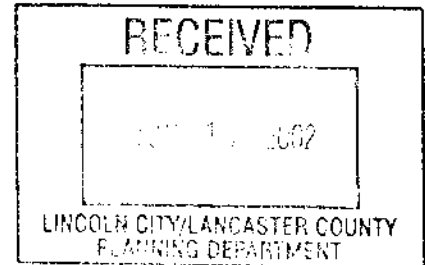
# RURAL WATER DISTRICT NO. 1

LANCASTER COUNTY, NEBRASKA

P.O. BOX 98 • 310 FIR STREET

BENNET, NEBRASKA 68317

PHONE 782-3495



June 14, 2002

Mike DeKalb  
Lincoln-Lancaster Planning Department  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68508

Dear Mike,

We have determined there is water available for the proposed development at South 120<sup>th</sup> and Old Cheny. There is to be four meters in this development for John Rallis.

Sincerely,

  
Ken Halvorsen